

FILED 07 FEB 09 16:01 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SERGIO ORNELAS MORALES,

Plaintiff, Civil No. 06-1853-TC

v. FINDINGS AND
RECOMMENDATION

RUSSELL BARNETT,

Defendants.

COFFIN, Magistrate Judge.

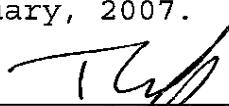
By Order (#3) entered January 4, 2007, plaintiff was allowed 30 days to either pay the filing fee in this civil rights case or to file an application to proceed in forma pauperis. Plaintiff was advised that failure to file the fee or to apply for in forma pauperis status would result in the dismissal of this case for failure to prosecute.

Plaintiff has not paid the fee or filed an application to proceed in forma pauperis as ordered, or requested an extension of time to do so.

Accordingly, this action should be dismissed for failure to prosecute.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten days from the date of service of a copy of this recommendation within which to file specific written objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issue and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judges's recommendation.

DATED this 9 day of February, 2007.



Thomas M. Coffin
United States Magistrate Judge